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Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Grifco

**File:** B-240549

**Date:** August 17, 1990

James P. Griffin for the protester.

Maj. Jack B. Patrick, Esq., Department of the Army, for the agency.

Christina Sklarew, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

### DIGEST

Bidder's failure to complete Clean Air and Water Certification in its bid is a matter of responsibility and may be furnished any time prior to award.

### DECISION

Grifco protests the award of a contract to H. L. Patten Corporation under invitation for bids (IFB) No. DAHA27-90-B-0004, issued by the Departments of the Army and the Air Force, National Guard Bureau, for the renovation of an alert crew readiness facility at Pease Air Force Base, New Hampshire. We dismiss the protest.

Grifco alleges that Patten failed to submit a Clean Air and Water Certification and a Recovered Material Certification with its bid, as required by the IFB, and that this failure rendered its bid nonresponsive.

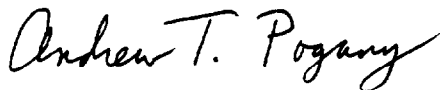
Generally, a bid with a material omission cannot be corrected after bid opening; such a bid is regarded as nonresponsive and must be rejected. Responsiveness concerns whether a bidder has unequivocally offered to provide goods or perform services in exact conformity with the solicitation. Sage Assocs. Gen. Contractors, Inc., B-235497, Aug. 15, 1989, 89-2 CPD ¶ 141. Not all information requested with a bid involves responsiveness, however. Instead, requested information may relate to bidder responsibility, i.e., the bidder's ability to perform, or simply may be required for the agency's own internal use. This type of information may be furnished up to the time of award. See id.; Southern Ambulance Builders, Inc., B-236615, Oct. 26, 1989, 89-2 CPD ¶ 385.

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The Clean Air and Water Certification required contractors to state whether or not any facilities that would be used in the performance of the proposed contract were listed on the Environmental Protection Agency List of Violating Facilities. Such a certification does not affect the bidder's material obligations under the IFB and thus does not affect the responsiveness of the bid. Rather, it is a matter of responsibility and may be verified or corrected after bid opening. See Georgetown Air and Hydro Systems, B-222203, Apr. 4, 1986, 86-1 CPD ¶ 328.

The Recovered Material Certification in the solicitation stated that "the offeror certifies, by signing this offer, that recovered materials . . . will be used as required by the applicable specifications." It did not require bidders to complete any separate forms or provide any additional signature to certify their compliance. Since Patten's bid was properly signed, Patten satisfied this requirement.

Since Grifco has not stated a valid basis for protest, we dismiss the protest.

A handwritten signature in cursive script that reads "Andrew T. Pogany".

Andrew T. Pogany  
Deputy Assistant General Counsel